

**2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0470 Department of Information Systems

**ACT#:** 1627

**SECTION#:** 8

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CARRY FORWARD. At the close of the fiscal year ending June 30, ~~2004~~ 2006, the Department of Information Systems may certify to the Chief Fiscal Officer of the State an unexpended amount of appropriation, as provided for Telecommunications/ Technology Delivery (not to exceed \$27,950,929) as a part of the Connectivity and Communications Services Program in this Act, which may be transferred forward for the fiscal year ending June 30, ~~2005~~ 2007, for the sole purpose of providing payments for the telecommunications system.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

**2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0470 Department of Information Systems

**ACT#:** 1627

**SECTION#:** 9

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CARRY FORWARD PROVISION. The balance of the appropriation made for Unanticipated Services herein which remains at the close of the fiscal year ending June 30, ~~2004~~ 2006, may be carried forward and used for the same purpose in the fiscal year ending June 30, ~~2005~~ 2007.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

**2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0470 Department of Information Systems

**ACT#:** 1627

**SECTION#:** 10

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

REPORTING REQUIREMENTS. The Chief Fiscal Officer of the State shall annually file with the Arkansas Legislative Council and the Joint Committee on Advanced Communications and Information Technology a report summarizing all expenditures made from the Unanticipated Services appropriation in this Act.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

## **2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0470 Department of Information Systems

**ACT#:** 1627

**SECTION#:** 11

### **CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

CONTINGENCY RESTRICTIONS. In the event of unforeseen conditions, additional appropriations become necessary that are not authorized or contemplated in this Act and such events make it necessary that the Department of Information Systems receives additional appropriations to carry out the objectives of the agency, the Director of the Department of Information Systems is hereby authorized to request the approval of the Governor and the Chief Fiscal Officer of the State, as hereinafter provided, for transfer of an amount not to exceed ~~twenty-five million~~ thirty-five million dollars (\$25,000,000) (\$35,000,000) per year provided the Department by the "Unanticipated Services" appropriation, but in no event shall the transfers exceed the appropriations provided in the "Unanticipated Services" appropriation of this Act. Whenever the Director of the Department of Information Systems deems it necessary to establish additional appropriations as authorized herein, ~~he~~ a written report shall be filed with the Governor ~~a written report~~ accompanied by necessary supporting documents setting forth the facts, justifications, and circumstances that necessitate such appropriation and in which performance-based programs the additional appropriation will be utilized. Upon receipt of such reports and supporting documents, the Governor, or his designee, shall study the same, and if he shall determine that such additional appropriations are being sought in strict compliance with this Act, the Governor, after seeking prior review by the Joint Committee on Advanced Communications and Information Technology, may approve or modify such request for additional appropriations as in his judgment he

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**AGENCY:** 0470 Department of Information Systems

**ACT#:** 1627

**SECTION#:** 11

### **CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

deems necessary, and shall forward a copy thereof to the Chief Fiscal Officer of the State. Upon receipt thereof, the Chief Fiscal Officer of the State after receiving prior approval by the Arkansas Legislative Council or Joint Budget Committee shall direct the State Auditor to process said transfer upon his books in accordance with the provisions as set out herein. If the agency requests continuation of appropriation as established herein during the next biennium, the appropriation must be requested as new appropriation in the agencies biennial budget request.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Information Systems may operate more efficiently if some flexibility is provided to the Department of Information Systems authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by

### **EXECUTIVE RECOMMENDATION**

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**2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0470 Department of Information Systems

**ACT#:** 1627

**SECTION#:** 11

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

**EXECUTIVE RECOMMENDATION**

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**2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0470 Department of Information Systems

**ACT#:** 1627

**SECTION#:** 12

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Arkansas Code 25-4-106 is amended to read as follows:

25-4-106. Reporting requirements.

(a)(1) The Director of the Department of Information Systems will report periodically to the Joint Committee on Advanced Communications and Information Technology and the Executive Chief Information Officer regarding the status of the Department of Information Systems' information technology responsibilities in state government.

(2) The director will forward to the joint committee any statutory changes that the department may recommend sufficiently in advance of the convening of the session of the General Assembly.

(3) The director may report any factors that are outside the scope of the department but are deemed to inhibit or to promote the department's responsibilities.

(b)(1) By October 31, January 31, April 30, and July 31 of each fiscal year, the Director of the Department Information Systems shall compile and submit a report to:

(A) The Arkansas Legislative Council, if submitted between regular sessions of the General Assembly;

(B) The Joint Budget Committee, if submitted during a session of the General Assembly; and

(C) The Joint Committee on Advanced Communications and Information Technology.

(2) The report shall:

AGENCY REQUEST

**2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0470 Department of Information Systems

**ACT#:** 1627

**SECTION#:** 12

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

(A) Detail all requests from state agencies, boards, and commissions for advice regarding information technology planning, implementation, installation, rates or fees, utilization of products, services, and integrations or upgrades to be added to all existing technology plans; and

(B) Provide a full report of all corresponding recommendations made by the Department of Information Systems to the requesting state agencies, boards, and commissions.

(3) The report shall include:

(A) The name of the state agency, board, or commission requesting the advice;

(B) The name and scope of the project for which advice is being sought;

(C) The type of advice sought, for example: technical, product or service utilization, planning, implementation, installation, integration, or upgrades;

(D) A detailed explanation of all recommendations provided by the Department of Information Systems;

(E) How the recommendation fits into the information technology plan of the agency, board, or commission;

(F) How the recommendation fits into the state's information technology plan and shared technical architecture; and



**2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0470 Department of Information Systems

**ACT#:** 1627

**SECTION#:** 12

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

(G) Other information as may be useful for policy making decisions by the Legislative Council or Joint Committee on Advanced Communications and Information Technology.

**2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY: 0470- Department of Information Systems**

**ACT#:**

**SECTION#: NEW**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Compliance with State and Federal Regulations -

1. In order to effect compliance with the requirements of Federal OMB Circular A-87, the Director shall adjust billing rates or issue billing adjustments as necessary notwithstanding the provisions of ACA §25-4-105 and §25-4-119, or funds sufficient to effect compliance shall be provided the Department from General or Special Revenues or such other fund sources as may become available. These actions shall be subject to the review of the Chief Fiscal Officer of the State.
2. The Director shall have authority to transfer funds between the Information Technology Reserve Fund established by ACA §25-4-123 and the Department of Information Systems Revolving Fund established by ACA §25-4-121 to cover cash shortfalls.

AGENCY REQUEST